

(Published in The Wichita Eagle on September 22, 2006)

ORDINANCE NO. 47-120

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS (THE “CITY”), APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND CENTRAL PLAINS YOUTH SPORTS, INC., PURSUANT TO CHARTER ORDINANCE NO. 177

WHEREAS, the City of Wichita (the “City”), pursuant to a request for proposals, has received a development proposal submitted on behalf of Central Plains Youth Sports, Inc., a Kansas non-profit corporation, proposing that the City enter into a development agreement (the “Development Agreement”) with such corporation (the “Developer”), for the design, phased construction and operation of a baseball and softball complex (the Project), to include seventeen baseball fields, a building for concession sales, and related improvements, on a site owned by the City and located within the City’s corporate limits, in the vicinity of Greenwich Road and 29th Street North; and

WHEREAS, the proposed Development Agreement calls for the City to provide a \$818,656.06 capital contribution, to be raised by the sale of general obligation debt, to help defray a portion of the design and construction costs for the Project, and to lease the Project to the Developer for a term of thirty years (with three possible renewal terms of fifteen years each), following the completion of the first phase of construction; and

WHEREAS, Charter Ordinance No. 177 of the City requires that, prior to commencement of construction on the Project, the Governing Body of the City must conduct a public hearing to consider whether to implement the subsection of Charter Ordinance No. 177 that allows for development agreements, in the context of this specific Project, and must adopt, by 2/3 vote of its

members, an Ordinance approving the construction under the provisions of Charter Ordinance No. 177; and

WHEREAS, the Governing Body of the City held a public hearing on September 12, 2006, to hear and consider public comment on the question of whether to implement the provisions of Charter Ordinance No. 177 to approve the construction of the Project under the proposed Development Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

Section 1. Authorization of Development Agreement with Central Plains Youth Sports, Inc. The City is hereby authorized to enter into the Development Agreement, by and between the City and Central Plains Youth Sports, Inc., in the form prepared by City Staff for consideration prior to the public hearing of September 12, 2006.

Section 2. Execution of Documents. The Mayor of the City is hereby authorized and directed to execute the Development Agreement in substantially the form approved by the Governing Body with such minor corrections or amendments thereto as the Mayor shall approve, which approval shall be evidenced by his execution thereof, and City Staff shall arrange to deliver the Development Agreement for and on behalf of and as the act and deed of the City.

Section 3. Further Authority. The City shall, and the officers, agents and employees of the City are hereby authorized and directed to take such further action as necessary to carry out and give effect to the transactions contemplated by this Ordinance, the Development Agreement, and such other documents as are contemplated by the Development Agreement.

Section 4. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by vote of 2/3 of the members of the governing body of the City of Wichita, Kansas, and publication once in the official newspaper of the City.

PASSED by the Governing Body of the City of Wichita, Kansas this 19th day of September, 2006, by affirmative vote of no less than 2/3 of the members thereof.

CITY OF WICHITA, KANSAS

By _____
Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to Form:

Gary E. Rebenstorf
City Attorney